

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-NINTH LEGISLATURE

ONE HUNDRED THIRTEENTH DAY

St. Paul, Minnesota, Wednesday, April 3, 1996

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Marilyn Saure Breckenridge.

The roll was called, and the following Senators answered to their names:

Anderson	Hottinger	Laidig	Neuville	Robertson
Beckman	Janezich	Langseth	Novak	Runbeck
Belanger	Johnson, D.E.	Larson	Oliver	Sams
Berglin	Johnson, D.J.	Lesewski	Olson	Samuelson
Betzold	Johnson, J.B.	Lessard	Ourada	Scheevel
Chandler	Johnston	Limmer	Pappas	Solon
Cohen	Kelly	Marty	Pariseau	Spear
Day	Kiscaden	Merriam	Piper	Stevens
Dille	Kleis	Metzen	Pogemiller	Stumpf
Fischbach	Knutson	Moe, R.D.	Price	Terwilliger
Flynn	Kramer	Mondale	Ranum	Vickerman
Frederickson	Krentz	Morse	Reichgott Junge	Wiener
Hanson	Kroening	Murphy	Riveness	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 12:00 noon. The motion prevailed.

The hour of 12:00 noon having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS

Messrs. Moe, R.D. and Johnson, D.E. introduced--

Senate Resolution No. 134: A Senate resolution relating to notifying the House of Representatives the Senate is about to adjourn sine die.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That the Secretary of the Senate shall notify the House of Representatives the Senate is about to adjourn sine die.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Messrs. Moe, R.D. and Johnson, D.E. introduced--

Senate Resolution No. 135: A Senate resolution relating to notifying the Governor the Senate is about to adjourn sine die.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That the Secretary of the Senate shall notify The Honorable Arne H. Carlson, Governor of the State of Minnesota, the Senate is ready to adjourn sine die.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Executive and Official Communications and Messages From the House.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 2, 1996

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, Senate File Number 2167, Chapter 407 (with the exceptions of page 4, section 4, lines 61 through 62 and page 5, section 4, lines 1 through 4; page 5, section 4, lines 60 through 66 and page 6, section 4, lines 1 through 12; page 6, section 5, lines 36 through 64; page 10, section 9, lines 56 through 61 and page 11, section 9, lines 1 through 13).

I have line-item vetoed several provisions of this bill based on the duplicative nature of the program or the lack of adequate funding to complete the stated charge of the appropriation.

The appropriation for the environmental justice study is insufficient to fund a full examination of all of the issues called for in the study. To undertake extensive examination of all of these issues would be costly and cannot be supported by the current appropriation for the Environmental Quality Board. Furthermore the Environmental Quality Board, through its current authority, has mechanisms in place to address issues of environmental justice.

The Minnesota Institute for Sustainable Agriculture appropriation is a premature funding proposal. There have been many concerns raised by the agricultural community as to the necessity of this program based on the project's extremely broad charge. It is also duplicative of current university and state programs.

The appropriation for the Wabasha County extension service for a pilot program to assist retiring farmers is also duplicative of the already established Passing on the Farm program which receives funding in this bill. Before expanding this program into other areas, the success of the Passing on the Farm program should first be evaluated.

I have continued to place a priority on keeping Minnesota as one of the top dairy states in the nation. However, the appropriation for the Minnesota Dairy Producers Board is unnecessary. The Department of Agriculture has been involved in the activities that would become the responsibility of the proposed dairy producers board. Furthermore, substantial opposition has been raised from within the dairy industry with regard to this proposal. Consequently, there is no need for a state sanction or appropriation for this activity.

Warmest regards,
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 2167 and the veto message thereon be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives of the State of Minnesota is about to adjourn the 79th Session sine die.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1996

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Lesewski moved that the vote whereby the Senate did not concur in the amendments by the House of S.F. No. 1861, on April 2, 1996, be now reconsidered.

The question was taken on the adoption of the Lesewski motion.

The roll was called, and there were yeas 38 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kramer	Mondale	Scheevel
Beckman	Johnson, D.E.	Kroening	Neuville	Solon
Belanger	Johnson, D.J.	Laidig	Oliver	Stevens
Berglin	Johnson, J.B.	Larson	Olson	Stumpf
Chandler	Johnston	Lesewski	Pappas	Terwilliger
Cohen	Kelly	Lessard	Pariseau	Vickerman
Day	Kleis	Limmer	Reichgott Junge	
Dille	Knutson	Metzen	Robertson	

Those who voted in the negative were:

Betzold	Janezich	Morse	Ranum	Spear
Flynn	Krentz	Novak	Riveness	
Frederickson	Marty	Piper	Runbeck	
Hanson	Merriam	Pogemiller	Sams	
Hottinger	Moe, R.D.	Price	Samuelson	

The motion prevailed. So the vote was reconsidered.

S.F. No. 1861: A bill for an act relating to the environment; modifying provisions relating to the management of waste and solid waste assessments and taxes; modifying provisions relating to toxics in products; amending Minnesota Statutes 1994, sections 115A.03, subdivision 21, and by adding subdivisions; 115A.50; 115A.916; 115A.919, by adding a subdivision; 115A.923, subdivision 1a; 115A.93, subdivision 3; 115A.9301, by adding a subdivision; 115A.965, subdivision 3; 115A.9651, as amended; and 115D.09; Minnesota Statutes 1995 Supplement, sections 115A.072, subdivision 1; 115A.411, subdivision 2; 115A.554; 115A.965, subdivision 1; 115A.981, subdivision 3; 116.07, subdivision 10; and 297A.45, subdivisions 2 and 3; proposing

coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1994, sections 115A.154; 115A.156; 115A.48, subdivisions 2 and 5; 115A.53; 115A.913, subdivision 5; 115A.9162; and 115A.991; Minnesota Statutes 1995 Supplement, sections 115A.0715; 115A.072, subdivision 3; 115A.55, subdivision 3; and 115D.05.

The question recurred on the Morse motion that the Senate do not concur in the amendments by the House to S.F. No. 1861, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

The question was taken on the adoption of the Morse motion.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Merriam	Piper	Sams
Betzold	Hottinger	Moe, R.D.	Pogemiller	Samuelson
Chandler	Krentz	Morse	Price	Spear
Flynn	Langseth	Novak	Riveness	Vickerman
Frederickson	Marty	Oliver	Runbeck	

Those who voted in the negative were:

Anderson	Johnson, D.E.	Kroening	Neuville	Solon
Belanger	Johnson, D.J.	Laidig	Olson	Stevens
Berglin	Johnson, J.B.	Larson	Pappas	Stumpf
Cohen	Johnston	Lesewski	Pariseau	Terwilliger
Day	Kelly	Lessard	Ranum	
Dille	Kleis	Limmer	Reichgott Junge	
Fischbach	Knutson	Metzen	Robertson	
Janezich	Kramer	Mondale	Scheevel	

The motion did not prevail.

The question recurred on the motion of Ms. Johnson, J.B.

CONCURRENCE AND REPASSAGE

Ms. Johnson, J.B. moved that the Senate concur in the amendments by the House to S.F. No. 1861 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1861 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 39 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Kramer	Metzen	Robertson
Belanger	Johnson, D.E.	Kroening	Mondale	Scheevel
Berglin	Johnson, D.J.	Laidig	Neuville	Solon
Chandler	Johnson, J.B.	Langseth	Olson	Stevens
Cohen	Johnston	Larson	Pappas	Stumpf
Day	Kelly	Lesewski	Pariseau	Terwilliger
Dille	Kleis	Lessard	Ranum	Vickerman
Fischbach	Knutson	Limmer	Reichgott Junge	

Those who voted in the negative were:

Beckman	Hottinger	Morse	Piper	Sams
Betzold	Krentz	Murphy	Pogemiller	Samuelson
Flynn	Marty	Novak	Price	Spear
Frederickson	Merriam	Oliver	Riveness	
Hanson	Moe, R.D.	Ourada	Runbeck	

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2102.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2102.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1996

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2102: A bill for an act relating to the financing and operation of government in this state; modifying certain tax rates, credits, refunds, bases, and exemptions; modifying property tax valuation and classification; changing tax increment financing, special services district, and taxing district provisions; authorizing local taxes; authorizing certain special districts; providing local levy or other authority; providing for distribution of production tax proceeds; providing for certain tax base sharing; changing certain aids; providing local performance aid; modifying revenue recapture; making tax policy, collection, administrative and technical changes, corrections, and clarifications; modifying collection of fees; requiring studies; providing for appointments; appropriating money; amending Minnesota Statutes 1994, sections amending Minnesota Statutes 1994, sections 10A.31, subdivision 3a; 13.99, subdivision 97a; 103E.611, subdivision 7; 115.26, by adding a subdivision; 115A.919, by adding a subdivision; 115A.923, subdivision 1a; 165.08, subdivision 5; 239.761, subdivision 5; 270.067, subdivision 2; 270.07, subdivision 1; 270.102, subdivisions 1, 2, and 3; 270.70, subdivision 2; 270A.03, subdivision 2; 273.02, subdivision 3; 273.111, subdivision 3; 273.13, subdivisions 22 and 23; 273.1398, subdivision 4, and by adding a subdivision; 275.065, subdivision 5a; 275.07, subdivision 4; 275.61; 278.01, by adding a subdivision; 278.08; 279.06, subdivision 1; 279.37, by adding a subdivision; 281.17; 287.06; 289A.39, subdivision 1; 289A.50, by adding a subdivision; 289A.56, subdivision 4; 290.01, subdivision 4a; 290.06, subdivisions 2c and 22; 290.091, subdivision 2; 290.0922, subdivisions 1 and 3; 290.095, subdivision 3; 290.17, subdivision 2; 290A.25; 295.50, subdivision 6; 295.51, subdivision 1, and by adding a subdivision; 295.52, by adding a subdivision; 295.54, subdivisions 1, 2, and by adding a subdivision; 296.01, subdivisions 2 and 13; 296.02, subdivision 8, and by adding a subdivision; 296.025, subdivision 6; 296.141, subdivisions 4 and 5; 296.15, by adding a subdivision; 296.17, subdivision 7; 297.04, subdivision 9; 297A.14, by adding a subdivision; 297A.15, subdivisions 4, 5, and 6; 297A.21, subdivision 4; 297A.211, subdivisions 1 and 3; 297A.24, subdivision 1; 297A.25, subdivisions 14, 28, and 37; 297A.256, subdivision 1; 297A.2572; 297A.2573; 297A.44, subdivision 1; 297A.46; 297E.02, subdivisions 4 and 10; 298.01, subdivision 4e; 298.17; 298.28, subdivisions 2 and 6; 298.296, subdivision 2; 298.75, subdivision 1; 349.15, by adding a subdivision; 349.154, subdivision 2; 349.19, subdivision 2, and by adding a subdivision; 375.192, subdivision 2; 383B.51; 428A.01, subdivisions 2 and 3; 428A.02, subdivision 1; 444.075, by adding a subdivision; 458A.32, subdivision 4; 469.040, by adding a subdivision; 469.167, subdivision 2; 469.173, subdivision 7; 469.174, subdivision 2;

469.176, subdivision 4f; 469.1761, subdivision 1; 469.177, subdivision 3; 471.59, by adding a subdivision; 471.88, subdivision 14; 473.39, by adding a subdivision; 473.608, by adding a subdivision; 473.625; 477A.011, subdivisions 3, 20, 27, 32, and 35; Minnesota Statutes 1995 Supplement, sections 16A.152, subdivision 2; 16A.67, subdivision 5; 41A.09, subdivision 2a; 115B.48, by adding subdivisions; 115B.49, subdivisions 2 and 4; 121.904, subdivision 4a; 124A.03, subdivision 2; 216B.161, subdivision 1; 270A.03, subdivision 7; 273.11, subdivision 16; 273.124, subdivisions 1, 3, and 13; 273.13, subdivision 25; 273.1398, subdivision 1; 273.1399, subdivisions 6 and 7; 275.065, subdivisions 3 and 6; 275.08, subdivision 1b; 276.04, subdivision 2; 289A.02, subdivision 7; 289A.40, subdivision 1; 290.01, subdivisions 19 and 31; 290.191, subdivisions 5 and 6; 290A.04, subdivision 2h; 291.005, subdivision 1; 295.50, subdivisions 3 and 4; 295.53, subdivisions 1 and 5; 296.02, subdivision 1; 296.025, subdivision 1; 296.12, subdivision 3; 297A.02, subdivision 4; 297A.25, subdivisions 57, 59, and 61; 297A.45, subdivisions 2, 3, and 4; 297B.01, subdivision 8; 298.227; 298.24, subdivision 1; 298.28, subdivision 9a; 298.296, subdivision 4; 428A.05; 465.82, subdivision 2; 469.169, subdivisions 9 and 10; 469.174, subdivision 4; 469.175, subdivisions 1, 5, and 6; 469.176, subdivisions 2 and 7; 471.6965; 473.39, subdivision 1b; 473.448; 477A.0121, subdivision 4; 477A.0132; 477A.03, subdivision 2; 501B.38, subdivision 1a; Laws 1963, chapter 118, sections 1, subdivision 3; 2; 4; and 6; Laws 1971, chapter 869, section 2, subdivisions 2, as amended; 14; and 17, as added; section 3, subdivisions 5, 6, and 9; section 4, subdivisions 1, 2, and 5, as amended; section 5, subdivisions 1 and 3; section 8; section 10, subdivision 3b, as added; section 12, subdivisions 1, as amended; and 2, as amended; section 17, subdivision 11; section 19; section 20, subdivision 2; section 21; and section 24; Laws 1985, chapter 302, section 2, subdivision 1, as amended; Laws 1989, chapter 211, section 4, subdivision 1; Laws 1991, chapter 291, article 8, section 27; and Laws 1995, chapter 264, article 2, sections 42, subdivision 1; and 44; and article 5, sections 40, subdivision 1; 44, subdivision 4; and 45, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 103D; 115B; 276; 281; 287; 290A; 297A; 298; 315; 375; 428A; and 477A; proposing coding for new law as Minnesota Statutes, chapter 276A; repealing Minnesota Statutes 1994, sections 13.99, subdivision 97; 273.1398, subdivision 5b; 290.06, subdivision 21; 290.092; 295.37; 295.39; 295.40; 295.41; 295.42; 295.43; 295.50, subdivisions 8, 9, 9a, 11, 12, and 12a; 296.25, subdivision 1a; 297A.14, subdivision 3; 297A.24, subdivision 2; and 469.150; Laws 1971, chapter 869, section 6, subdivision 3; and Laws 1987, chapter 285.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2102 and that the rules of the Senate be so far suspended as to give H.F. No. 2102 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2102 was read the second time.

CALL OF THE SENATE

Mr. Hottinger imposed a call of the Senate for the balance of the proceedings on H.F. No. 2102. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 2102 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 14, as follows:

Those who voted in the affirmative were:

Beckman	Day	Hottinger	Kelly	Krentz
Belanger	Dille	Janezich	Kiscaden	Kroening
Betzold	Fischbach	Johnson, D.E.	Kleis	Laidig
Chandler	Frederickson	Johnson, J.B.	Knutson	Langseth
Cohen	Hanson	Johnston	Kramer	Larson

113TH DAY]

WEDNESDAY, APRIL 3, 1996

8747

Lesewski
Lessard
Limmer
Marty
Metzen

Mondale
Morse
Murphy
Neuville
Novak

Olson
Ourada
Pariseau
Pogemiller
Reichgott Junge

Riveness
Robertson
Sams
Scheevel
Solon

Stevens
Stumpf
Terwilliger
Vickerman

Those who voted in the negative were:

Anderson
Berglin
Flynn

Johnson, D.J.
Merriam
Moe, R.D.

Oliver
Pappas
Piper

Price
Ranum
Runbeck

Samuelson
Spear

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Messrs. Chmielewski, Berg, Finn and Ms. Wiener were excused from the Session of today.

ADJOURNMENT

Mr. Merriam moved that the Senate do now adjourn Sine Die. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate